

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

MARCUS PILKINGTON  
*Plaintiff,*

v.

CITY OF WACO, TEXAS, ET AL,  
*Defendants.*

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A-18-CV-1039-ADA

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 18. Defendants Frost and Schwartz's Motion to Dismiss (ECF No. 35); Defendants Abelino Reyna and McLennan County's Motion to Dismiss (ECF No. 36); and Defendants City of Waco, Brent Stroman, Manuel Chavez, Robert Lanning, Jeffrey Rogers, and Patrick Swanton's Motion to Dismiss (ECF No. 37); and the City of Waco's Supplement to its Motion to Dismiss (ECF No. 16) be **GRANTED in part** and **DENIED in part**. The report and recommendation was filed on July 22th, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed.

R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.”

*Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), overruled on other grounds by *Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

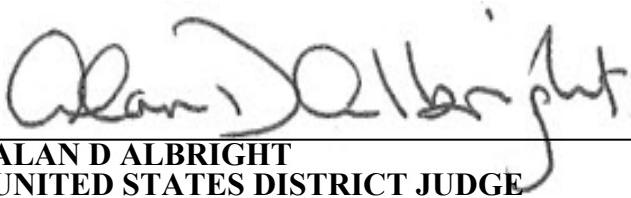
Defendants McLennan County and Abelino Reyna filed objections on July 24, 2024 and filed an amended objection on July 26, 2024. ECF Nos. 19, 21. Defendant Manuel Chavez filed objections on July 26, 2024. ECF No. 22. The Court has conducted a *de novo* review of the Motion, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske., ECF No. 18, is **ADOPTED**.

**IT IS FURTHER ORDERED** that the following claims are **DISMISSED**: Plaintiff's Fourteenth Amendment claims against each Defendant; Plaintiff's Fourth Amendment Malley claims against each Defendant; Plaintiff's Fourth Amendment Franks claims against Stroman, Lanning, Swanton, Rogers, Frost, and Schwartz; Plaintiff's conspiracy claims; Plaintiff's claims against the City of Waco; and Plaintiff's claims against the County.

**IT IS FINALLY ORDERED** that Defendants' Motions to Dismiss Plaintiffs' *Franks* claims against Reyna and Chavez be **DENIED**.

**SIGNED** this 28th day of August, 2024.



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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE